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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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QWEST COMMUNICATIONS INTERNATIONAL INC
LAW DEPT INTELLECTUAL PROPERTY GROUP
1801 CALIFORNIA STREET, SUITE 3800
DENVER, CO 80202

EXAMINER

MOSLEHI, FARHOOD

ART UNIT	PAPER NUMBER
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2154

3

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,252

Applicant(s)

AREND ET AL.

Examiner

Farhood Moslehi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-30 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4,7,8,10-19,22,23,25-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Pepe et al. (5,742,905) (hereinafter Pepe).

4. As per claim 1, Pepe teaches a system for delivering information to at least one subscriber comprising:

A subscriber data storage element (e.g. Figure 3, item 44);

A wireless receiver in communication with the data storage element (e.g. Figure 3, items 30 and 34);

A wireless distribution system in wireless communication with each receiver/transceiver (e.g. Figure 3, item 29);

A data delivery server in communication with the wireless distribution system, the data delivery server containing information to be delivered to at least one wireless receiver (e.g. Figure 3, item 48); and an internetworking function element in communication with the wireless distribution system, the internetworking function element operative to receive the information to be delivered and to deliver the information based on a

Art Unit: 2154

determined delivery event to reduce the impact of information delivery on the wireless distribution system (e.g. col. 3, lines 46-54).

5. As per claim 18, it is rejected for similar reasons as stated above.

6. As per claim 2, Pepe teaches a system for delivering information wherein the wireless distribution system comprises:

A plurality of radio access points operative to communicate with a wireless receiver (e.g. col. 7, lines 39-48);

A wireline communication network (e.g. col. 7, lines 39-48); and

At least one distribution element operative to route information between access points and between an access point and the wireline communication system (e.g. Figure 3, item 42).

7. As per claim 19, it is rejected for similar reasons as stated above.

8. As per claim 3, Pepe teaches a system for delivering information wherein the data delivery server is connected to the wireline communication system (e.g. Figure 3, item 48).

9. As per claim 4, Pepe teaches a system for delivering information wherein the internetworking function element is connected to the wireline communication system and the at least one distribution element (e.g. Figure 3, items 48, 39 and 42).

10. As per claim 7, Pepe shows a system for delivering information wherein the data storage element is a component in a computer system (e.g. Figure 6).

11. As per claim 22, it is rejected for similar reasons as stated above.

Art Unit: 2154

12. As per claim 8, Pepe shows a system for delivering information wherein the data storage comprises removable memory (e.g. col. 8, lines 54-59).

13. As per claim 23, it is rejected for similar reasons as stated above.

14. As per claim 10, Pepe teaches a system for delivering information wherein the delivery event is based on measured parameters in the wireless distribution system (e.g. col. 23, lines 50-63. The user can change the parameters based on wireless and wireline network performance, which is in part related to time of day or day of week parameters).

15. As per claim 25, it is rejected for similar reasons as stated above.

16. As per claim 11, Pepe teaches a system for delivering information wherein at least one of the internetworking function element and the data delivery server is further operative to receive instructions about a priority of information for delivery and to deliver the information based on the priority (e.g. col. 28, lines 41-46).

17. As per claim 26, it is rejected for similar reasons as stated above.

18. As per claim 12, pepe teaches a system for delivering information wherein the wireless distribution system is operative to distribute information simultaneously to a plurality of subscriber wireless receiver (e.g. Figure 3).

19. As per claim 27, it is rejected for similar reasons as stated above.

20. As per claim 13, Pepe teaches a system for delivering information wherein the wireless receiver is part of a wireless transceiver (e.g. Figure 3, items 30 and 22. A transceiver by definition is a combination of a transmitter and a receiver).

Art Unit: 2154

21. As per claim 14, Pepe teaches a system for delivering information wherein the wireless transceiver is operative to transmit information through the wireless distribution system based on a determined delivery event to reduce the impact of information delivery on the wireless distribution system (e.g. col. 23, lines 39-63).

22. As per claim 28, it is rejected for similar reasons as stated above.

23. As per claim 15, pepe teaches a system for delivering information wherein the wireless receiver receives notification once information delivery is complete (e.g. col. 4, lines 57-61).

24. As per claim 16, Pepe shows a system for delivering information further comprising at least one protected computer system sourcing information to be delivered to the wireless receiver (e.g. Figure 21).

25. As per claim 30, it is rejected for similar reasons as stated above.

26. As per claim 17, Pepe shows a system for delivering information wherein the internetworking function element queries the wireless receiver prior to delivering information (e.g. col. 15, lines 15-31).

27. As per claim 29, it is rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2154

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claims 5,6,20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pepe in view of Tett (5,604,788).

30. As per claim 5, Pepe does not specifically teach a system for delivering information wherein the data storage element and the wireless receiver are a single unit. Tett teaches a system for delivering information wherein the data storage element and the wireless receiver are a single unit (e.g. Figure 1, item 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Pepe and Tett. The motivation would have been to store messages through a wireless storage device.

31. As per claim 20, it is rejected for similar reasons as stated above.

32. As per claim 6, Pepe does not specifically teach a system for delivering information wherein the data storage element is disposed within a cradle for supplying power to the wireless receiver. Tett shows a system for delivering information wherein the data storage element is disposed within a cradle for supplying power to the wireless receiver (e.g. col. 2, lines 17-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Pepe and Tett. The motivation would have been to have a single unit instead of a distributed system.

33. As per claim 21, it is rejected for similar reasons as stated above.

34. Claims 9 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pepe in view of Johnson et al. (6,556,826) (hereinafter Johnson).

Art Unit: 2154

35. As per claim 9, Pepe does not specifically teach a system for delivering information wherein the delivery event is based on a time of day. Johnson teaches a system for delivering information wherein the delivery event is based on a time of day (e.g. col. 2, lines 23-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Pepe and Johnson. The motivation would have been to reduce network congestion during peak hours.

36. As per claim 24, it is rejected for similar reasons as stated above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhood Moslehi whose telephone number is 703-305-8646. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/771,252
Art Unit: 2154

Page 8

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A handwritten signature in black ink, appearing to be 'JF', written over a faint, larger 'N' or '2'.

**JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**